

Criteria and Guidelines for Severely Handicapped Contracted Placement Reimbursement ("SHCPR") for students placed in the 2003-2004 school year

Criteria for identification as severely handicapped

A student is severely handicapped, for purposes of the SHCPR, if the student meets one of the two criteria listed below and the school district has demonstrated an inability to provide the student with educational benefit, within the context of state and federal regulations implementing IDEA's preference for integration with non-disabled peers. Any submission for a student under the second criteria listed below must be accompanied with an explanation of why the school district believes the student is severely handicapped.

1. The student scores four or more standard deviations below the mean on standardized measures of cognitive functioning and shows commensurate deficits in at least two areas of adaptive functioning. If the student is unable to respond to any standardized measure of cognitive ability due to a combination of sensory and/or motor impairments, diagnostic information indicates significant deficits in intellectual and adaptive behavior skills, and the student requires pervasive level of supports across all life areas.

2. The student's cognitive impairment is not in the severe mental retardation range described above, but DESE finds that the student's disability or disabilities are so pervasive and intense as to require, by any reasonable determination, that the student requires a private educational placement. These students may include students whose functioning does not meet the criteria listed in #1 above, but who have other significant disabilities requiring placement in a private agency, such as:

- A student with emotional disturbance who demonstrates a substantial likelihood that he will injure himself or others, despite reasonable efforts to minimize or eliminate the risk;
- A student with significant learning and processing deficits, who requires, in order to receive educational benefit, an environment and methodology impossible to duplicate in a public school setting.

School district ability to provide educational benefit

The Application for Reimbursement for Contractual Placement of Severely Handicapped Student must justify why the removal of the student from the school district or a public school program was appropriate in the context of the Free Appropriate Public Education (FAPE) and LRE requirements of state and federal regulations implementing IDEA. Such justification must include documentation that the school district had:

1. Considered educating the student through the public school program;
2. Identified supplementary aids and services that would be needed to educate the student in the public school program;
3. Articulated why the school district cannot provide an educational benefit to the student within the school district's own program or through another public school program.

Each application must also include the following documentation for each student:

1. The student's most recent IEP and any other IEPs used within the past 12 months.
2. A current evaluation report.
3. Progress reports and/or progress notes for the past 12 months.
4. If the school district has served the student in the last 12 months, the district must provide a description of the educational setting in which the student has been served, the teacher-student ratio of the setting, and the supports/training to educational staff working with the student (directly related to the student's needs).
5. Other documentation on an individual student requested by the Funds Management Section, in order to determine school district eligibility for SHCPR..

Reimbursement

DESE shall provide full reimbursement for the cost to the school district of serving students who are found to meet the criteria above and are placed in approved private agency placements.

Local tax effort and any state aid generated by the student shall be deducted from any reimbursement for such a placement. This Application process is separate from the application process for funding from the Severe Disabilities Fund. Funding from the Severe Disabilities Fund is for students who meet the cognitive requirements identified above, but benefit educationally from a public school program and do not require placement in an approved private agency.

Applications for reimbursement of placements in the 2003-2004 school year may only be submitted for students for whom the district submitted a "Notification of Intent to Apply for Reimbursement" and will only be considered for the period of time subsequent to DESE receipt of that Notification.

This application should not be used for any student who is enrolled in and attending the State Schools for Severely Handicapped, Missouri School for the Deaf, or Missouri School for the Blind. These students are served at no cost to the school district.

Appeal Process

Denial of a school district application to identify a child as severely handicapped is subject to review.

- A review request shall be filed with the coordinator of special education programs, division of special education, within 20 days of the date the application was denied.
- The coordinator, or a designee, will serve as the review officer, and shall schedule an informal conference within 20 days of receipt of the request for appeal.
- The conference shall be held in an informal manner; the school district may bring witnesses and present oral or written information, but witnesses need not be sworn and a written record not kept.
- A decision shall be mailed to the school district within 20 days of the conference, unless an extension of the time-line is determined necessary by the review officer.
- An appeal of the decision may be filed with the assistant commissioner, division of special education, within 10 days of receipt of the decision.
- The appeal will consist of a records review by the assistant commissioner, or a designee. Oral argument requests may be granted by the assistant commissioner.
- The final decision shall be issued by the assistant commissioner within 20 days of receipt of the request for review, unless extension of the time-line is determined necessary by the assistant commissioner.
- The appeal process is not subject to Chapter 536 RSMo, because it is not a contested case, and there is no right to a judicial review.